



William Rothberg
Sylvie Straus-Figueroa
John Contrubis

Daisy Lozada
Hanniffe Woodstock
Legal Assistants

Rothberg, Straus & Contrubis, LLP

16 Court Street, Suite 2200
Brooklyn, New York, 11241
(718) 624 - 2200

www.rothberglawfirm.com

October 6, 2023

VIA ECF

Magistrate Judge Peggy Kuo
United States District Court
Eastern District of New York
225 Cadman Plaza
Brooklyn, NY 11201

**Re: Roofers, Waterproofers & Allied Workers Local Union No. 8
Annuity Fund, et al vs. AWE Incorporated. et al**
Index No.: 22-cv-07833-AMD-PK

Dear Magistrate Judge Kuo:

We write as counsel for the Plaintiffs, Roofers, Waterproofers & Allied Workers Local Union No. 8 Annuity Funds, et al in the above referenced action, to provide a status report, per the Court's September 12, 2023 Order.

Despite Plaintiff's extensive effort to reach settlement, through yesterday, Defendants have stalled the process and failed to negotiate in good faith. This morning we received an email from an attorney stating he is in the process of retaining Defendants, requesting that the certificate of default be vacated, and directing no further contact between our offices and Defendants. Accordingly, we are unable to provide a joint status report as directed by the Court.

Plaintiffs have offered all leniency and the fairest, most pliable settlement terms possible, to no avail. Defendants have had since January to retain counsel and/or negotiate a settlement, and have made limited efforts to reach resolution. Plaintiffs are concerned that Defendants' actions are intended to further delay and thwart efforts to reach resolution of this matter, and restitutions for its employees. Accordingly, Plaintiffs intend to proceed with the default judgment unless the Court directs otherwise.

Respectfully submitted,

/s/ Sylvie Straus-Figueroa
Sylvie Straus-Figueroa, Esq.